

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
DOCKET NO. 3:16-cv-295-FDW-DCK

THIS MATTER is before the Court *sua sponte* regarding a supplement to the Case Management Order in this case. The Court inadvertently omitted from the Amended Case Management Order (Doc. No. 13) the following instructions and requirements for pretrial submissions, which must be jointly drafted and submitted to Chambers:

1. Jointly-Proposed Voir Dire. The general procedures governing voir dire are set forth in the Court's Standing Order Governing Jury Selection and Instruction in Civil Cases Before the Honorable Frank D. Whitney, Miscellaneous No. 3:07-MC-47 (Doc. No. 5). In addition to the Court's standard voir dire, counsel may prepare and jointly submit a single compilation of voir dire questions sought to be asked, also noting the agreement or objection of other parties to each proposed question. Pursuant to Rule 47(a), the Court will ask prospective jurors only such of the proposed voir dire as it deems proper.
2. Jointly-Proposed Jury Instructions. The general procedures governing jury instruction are set forth in the Court's Standing Order Governing Jury Selection and Instruction in Civil Cases Before the Honorable Frank D. Whitney, Miscellaneous No. 3:07-MC-47 (Doc. No. 5). Any objections to, or requests for modification or supplementation of, the Court's

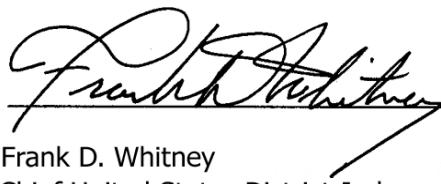
pattern jury instructions must be made at this time or may be deemed waived. In addition to the Court's generally-applicable pattern jury instructions, counsel should prepare and jointly submit a single compilation of proposed jury instructions that are narrowly tailored to the anticipated issues arising at trial (*e.g.*, the elements of the claims and defenses at issue), subject to supplementation at the close of evidence, as necessary, as contemplated by Rule 51. Counsel shall identify and index each proposed instruction by number and heading, and support each proposed instruction with adequate legal authority. Where there is disagreement as to any instruction, this jointly prepared submission shall disclose the basis for a party's objection and (if applicable) provide a proposed alternate instruction.

IT IS, THEREFORE, ORDERED that the Amended Case Management Order (Doc. No. 13) is supplemented to include the instructions provided above.

IT IS FURTHER ORDERED that the parties shall submit their jointly-proposed voir dire and jointly-proposed jury instructions described above to Chambers by **2 p.m. on Monday, May 1, 2017.**

IT IS SO ORDERED.

Signed: April 27, 2017



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Frank D. Whitney  
Chief United States District Judge

